

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NATIONAL RETIREMENT
FUND,

Plaintiffs,

-against-

PAT & ROSE DRESS, INC. and JOHN DOES 1-10 (all
other trades or businesses under common control with
PAT & ROSE DRESS, INC.),

Defendants.

21-cv-01168 (CS) (JCM)

DEFAULT JUDGMENT

This action having been commenced on February 9, 2021 by filing of a Complaint, and Plaintiffs Trustees of the National Retirement Fund ("Plaintiffs") having served copies of the Summons and Complaint on February 17, 2021 upon Defendant Pat & Rose Dress, Inc. ("Defendant Pat & Rose"), a New York corporation, by personal service upon Sue Zouky, Authorized Agent, in the Office of the Secretary of State of the State of New York, and proof of such service having been filed with the Court on February 25, 2021, and Defendant Pat & Rose not having appeared, answered, or otherwise moved with respect to the Complaint, and the time for appearing, answering or moving having expired, and the Court having issued its Order to Show Cause requiring Defendant Pat & Rose to show cause before the Court why a Default Judgment should not be entered against Defendant Pat & Rose, and the Court having held a hearing pursuant to the Order to Show Cause, and Defendant Pat & Rose having failed to appear at the show cause hearing; it is

NOW, THEREFORE, upon application of the Plaintiffs and upon reading the Affidavits of David C. Sapp, Esq., duly sworn the 30th day of April 2021, and the Certificate of Ruby J. Krajick, Clerk of Court, United States District Court for the Southern District of New York, noting the default of Defendant Pat & Rose, for failure to appear, answer or otherwise move with respect to the Complaint, it is hereby,

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant Pat & Rose for withdrawal liability in the principal amount of \$1,815,757.00 with interest thereon computed in accordance with 29 U.S.C. §1132(g)(2), the regulations of the Pension Benefit Guaranty Corporation and the Plaintiff Fund's rules and regulations with respect to employer withdrawal liability from September 1, 2019, the date of the first missed withdrawal liability payment, through the date of judgment in the amount of \$381,308.97, liquidated damages pursuant to 29 U.S.C. §1132(g)(2) and the Plaintiff Fund's rules and regulations with respect to employer withdrawal liability in the amount of \$381,308.97, and costs in the amount of \$400.00, for a total Judgment in the amount of \$2,578,774.94; and it is further

~~**ORDERED, ADJUDGED AND DECREED**, that Plaintiffs have Judgment against Defendant Pat & Rose permanently restraining and enjoining Defendant Pat & Rose and all of its officers, employees, agents, representatives, and all persons acting in concert with them from distributing, alienating, transferring, assigning, encumbering or otherwise disposing of the assets of Defendant Pat & Rose, regardless of the amounts, if any, or the nature of the consideration received therefore; and it is further~~ cl

ORDERED, ADJUDGED AND DECREED that interest shall continue to accrue on the amount due under this Judgment at the legal rate as defined in 28 U.S.C. §1961 from the date of entry of this Judgment on _____, 2021 until the Judgment is fully satisfied.

Dated: 6/7/21
White Plains, New York

SO ORDERED:

Cathy Seibel
Honorable Cathy Seibel
United States District Judge